



KERALA GAZETTE

കേരള ഗസറ്റ്

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PART III

Judicial Department

PROCEEDINGS

OF THE CHIEF JUDICIAL MAGISTRATE, KOLLAM

No. E-1244/2007.

29th July 2008.

Read:— 1. This office O. M. No. E-1244/07/dated 15-2-2007.

2. Draft seniority list of Ministerial Staff except Confidential Assistants as on 1-6-2007 in the criminal courts of Kollam District.
3. Objection raised by Sri N. Mohanadas, Junior Superintendent (Rtd.), Judicial 1st Class Magistrate Court-III, Punalur, Sri G. Reghunathan Nair, U. D. Clerk, Chief Judicial Magistrate's Court, Kollam, Sri K. Pradeep, Peon, Judicial 1st Class Magistrate's Court-III, Punalur, Smt. Lalithamma, R., Peon, Judicial 1st Class Magistrate's Court, Karunagappally, Sri G. Baby, Junior Superintendent on deputation, Kerala Cashew Worker's Welfare Fund Board as Inspector, Sri P. Thulaseedharan Pillai, U. D. Clerk and Sri S. Suresh Babu, L. D. Clerk, Judicial 1st Class Magistrate's Court, Paravoor, Sri B. Ramachandran Pillai, Junior Superintendent, Judicial 1st Class Magistrate's Court-I, Punalur, Sri C. Dileepkumar, L. D. Typist, Judicial 1st Class Magistrate's Court-I, Punalur and Sri M. Rahim, Peon, Judicial 1st Class Magistrate's Court-I, Punalur.

ORDER

As per the O. M. read as 2nd above a draft seniority list of Ministerial Staff except Confidential Assistant as on 1-6-2007 in the Criminal Courts of Kollam District had been communicated to all the Judicial Magistrates in this District with direction to circulate the same among all the staff members of their respective courts and to obtain and forward objections if any, received from the staff.

Ten objections were received from different courts. Service Book, appointment file and connected records were called for and verified. The objection against the draft seniority list are discussed below for disposal in accordance with the existing rules.

1. Objections raised by Sri G. Reghunathan Nair, U. D. Clerk, Chief Judicial Magistrate's Court, Kollam

Sri D. Kunjumon was transferred from Wayanad District (Inter District transfer as per G. O. M. S. No. 4/61/PD dated 2-1-1961). He Joined duty in Kollam District on 1-1-1991. He was promoted as U. D. Clerk w.e.f. 7-3-1992 before the completion of probation in this district. Sri D. Kunjumon is admittedly Junior to the petitioner in L. D. cadre. As per rule 28(a) (1) Kerala Subordinate Service Rules 1960 "No member or class of a service shall be eligible for promotion from the category in which he was appointed to service unless he has satisfactorily completed his probation in that category". The savings clause available to the said proviso is that "A probationer in a class category or grade shall not be superseded for promotion to a higher class, category or if the vacancy in the higher class category or grade arises within specified period in the special grade in which he is a probationer and if he has passed the test or tests prescribed for successful completion of probation and is otherwise eligible and suitable such promotion."

Sri G. Reghunathan Nair first filed a petition on 18-12-1996. Based on petition filed by Smt. S. Gerasma and Sri B. Baburaj the then Chief Judicial Magistrate addressed Hon'ble High court to revise seniority list. Hon'ble High Court vide O. M. No. C2-7816/96 dated 9-9-1997 accorded sanction to revise seniority list after giving notice to affected parties. A revised seniority list as on 1-1-1994 was published. Against which O. P. No. 26182/99 was filed by Sri B. Baburaj. In the said O. P. Hon'ble High Court vide order dated 17-2-2000 directed the Chief Judicial Magistrate to finalise the seniority list in accordance with law. The Chief Judicial Magistrate vide order No. E-2243/93 dated 5-2-2002 set aside the revised seniority list and finalised the seniority list No. E-2243/93 dated 6-2-1995 which was existing seniority list ordering the seniority already fixed to remain unchanged.

Even though it is admitted in that order that there were some irregular promotions during the period from 1988 to 1992. In view of the settled principles of law relating to seniority, promotions and revision of promotions discussed in AIR 1970 SC 470, 1973 KLT 151 February 2000 (1) KLJ 843, 1992(1) KLT 458, 2002 (1) ILR 93 and 1991 (2) KLT 112, the efforts to revise seniority was set aside.

Interestingly neither petitioner nor anybody else filed petition challenging this order either on administrative side or on judicial side. Another seniority list of ministerial staff as on 1-7-2002 was published and finalised vide order No. E-3545/02. dated 28-5-2002. Again no one has challenged the seniority list either on administrative side or judicial side.

Consequent to the filing of objections notices were issued to the affected parties Sri D. Kunjumon, Junior Superintendent, Smt. C. Thanakamany, Junior Superintendent, Smt. B. Baby, Junior Superintendent, Sri Anil, P., Junior Superintendent, Sri Madhumohan, G., Junior Superintendent and Smt. J. Annamma, Junior Superintendent. All of them filed objections against revising the settled seniority after the laps of so many years. The Service Book of all the incumbents were called for and verified.

The vacancy in question was filed on 7-3-1992 in which Sri D. Kunjumon was said to be erroneously promoted on 7-3-1992, the petitioner Sri G. Reghunathan Nair was neither test qualified nor his probation declared. The probation of the petitioner was declared w.e.f. F. N. of 21-12-1992. He was test qualified during June 1992. Smt. Baby, B., Junior Superintendent, in her reply claimed that she entered into service as L. D. Clerk on 10-2-1983 and was the senior most L. D. C. who was to be rightly promoted to vacancy arose on 7-3-1992. She is admittedly senior to Sri G. Reghunathan Nair who entered into service on 24-9-1990 and Sri D. Kunjumon. She became test qualified during June 1992 itself well before 1-1-1993 the date on which the probation of Sri D. Kunjumon in L. D. cadre in Kollam District would have been actually declared and eligible to get promoted. She contented that the petitioner has no locus-standi to file such petition.

Considering the arguments raised by all the incumbents I am of the opinion that the question of seniority raised by the petitioner was settled based on the settled principles of law relating to seniority promotion and revision of promotion based on decision of the Hon'ble High Court and the Hon'ble Supreme Court by my learned predecessor vide order dated 5-2-2002 and no one has filed any appeal against the order. Hence the petition filed by Sri. G. Reghunathan Nair is liable to be rejected.

2. Sri N. Mohanadas, Junior Superintendent (Rtd.), Judicial 1st Class Magistrate Court-III, Punalur

Sri Mohanadas, was promoted as Junior Superintendent as per order No. E-2191/96 dated 29-3-2007 in view of the Hon'ble High Court in O. P. No. E 7395 of 2001E dated 21-12-2006 assigning seniority below Sri M. R. Radhakrishnan, Junior Superintendent and above Sri C. R. Narayana Pandala, Junior Superintendent, on 14-6-2007 he has filed petition claiming the benefits retrospectively from 10-11-1997 in U. D. cadre and other posts of Bench Clerk and Junior Superintendent w.e.f. the date Sri C. R. Narayana Pandala, got promotions. This application was rejected by the then Chief Judicial Magistrate. He had filed administrative appeal before the Hon'ble High Court on 3-8-2007.

Sri Mohanadas, N. has filed a petition to fix his seniority w.e.f. 30-6-2004 (column No. 8 of the draft seniority list) instead of 29-3-2007. His claim is rejected in view of Hon'ble High Court Order No. C2-60123/07 dated 1-3-2008 which awarded him only notional promotion.

3. Sri K. Pradeep, Peon, Judicial 1st Class Magistrate's Court-III, Punalur.

Sri K. Pradeep, Peon, Judicial 1st Class Magistrate's Court-III, Punalur (Sl. No. 23 in the draft list) joined duty on 29-6-2005 while Sri Kalesh Kumar, S. K., Peon joined duty on 3-6-2006 (Sl. No. 22). Hence claims seniority over Kalesh Kumar, S. K. The advice file of both incumbents perused. Sri K. Pradeep, Peon was advised as per letter No. QRI(3)4870/01(1) dated 10-6-2005 of District Officer, Kerala Public Service Commission, Kollam joined duty on the F. N. of 29-6-2005. While Sri Kalesh Kumar, S. K. was advised as per letter No. QRI(3)4870/01 (5) dated 16-5-2006 joined duty on 3-6-2006. Hence the claim of Sri K. Pradeep is allowed and his position in Finalised Seniority will be as Sl. No. 23 above Sri Kaleshkumar, S. K. (Sl. No. 24).

4. Smt. Lalithamma, R., Peon, Judicial 1st Class Magistrate's Court, Karunagappally

Smt. Lalithamma, R., Peon raised claim that she joined duty on the A. N. of 20-11-2002 and Smt. T. Sasikala, Peon entered into Service on 25-11-2002. Hence she is senior to Smt. Sasikala, T. perused the appointment file, both were advised as per letter No. QRI(3)3218/96 dated 22-10-2002 of District Officer, Kerala Public Service Commission, Kollam. Smt. Sasikala, T. is Sl. No. 1 and Smt. Lalithamma, R. is Sl. No. 3. As per Rule 27(c) Kerala State Subordinate Service Rules 1960 "Seniority of a person appointed to a class, category or grade in service be determined by the date of first effective advice made for his appointment to such Class, Category or grade and when two or more persons are included in the same list of candidates advised their relative seniority shall be fixed according to the order in which their names are arranged in the advice list".

Hence the petition filed by Smt. Lalithamma, R. is rejected.

5. Sri G. Baby, Junior Superintendent on Deputation to Kerala State Cashew Workers Welfare Fund Board as Inspector

Sri G. Baby, Junior Superintendent filed petition for correction of Column No. 7 (the date of appointment in the present post) which is shown indraft Seniority List as 22-10-2002. He claims that he was promoted to present post w.e.f. 1-12-2001.

His Service Book was called for and perused. He claims that he was working as Junior Superintendent from 1-12-2001 is not correct. He was reverted as Bench Clerk for want of vacancy w.e.f. 9-5-2002 as per Order No. E. 2282/02 dated 7-5-2002. Again promoted as Junior Superintendent as per Order No. E-5800/2002 dated 22-10-2002 and continuing as such. In the light of the above facts the petition stands rejected.

6. Sri P. Thulaseedharan Pillai, U. D. Clerk and Sri S. Sureshbabu, L. D. Clerk, Judicial 1st Class Magistrate's Court, Paravoor

(a) Sri P. Thulaseedharan Pillai, U. D. Clerk, requested for inclusion of Account Test (H) in Column No. 3. He submitted copy of certificates too. The Higher qualification will be included in Column No. 3 and his petition is allowed.

(b) Sri Suresh Babu, S., L. D. Clerk requested for inclusion of M.O.P. in Column No. 3 is also allowed.

7. Sri B. Ramachandran Pillai, Junior Superintendent, Judicial 1st Class Magistrate's Court-I, Punalur

Sri B. Ramachandran Pillai, Junior Superintendent, requested for correction of date in Column No. 7 (appointment in the present post) as 30-3-2000 instead of 1-4-2000. Verified the Service Book and connected files. He joined duty in the present post w.e.f. the A. N. of 30-3-2000. Hence the date in Column No. 7 will be corrected as A. N. of 30-3-2000.

8. Sri C. Dileep Kumar, L. D. Typist, Judicial 1st Class Magistrate's Court-I, Punalur

Sri C. Dileep Kumar requested for correction of initials shown in the draft Seniority List. The initials of the incumbent is corrected as 'C' instead of 'V' shown in the list. He also pointed out that the date of Promotions shown in Column No. 7 in respect of Smt. Bindhu, N., L. D. Typist incorrect. Verified the date of Promotion of Smt. Bindhu, N. date shown in Column No. 7 will be corrected as 21-11-2006 instead of 19-4-2004.

9. Sri M. Rahim, Peon, Judicial 1st Class Magistrate's Court-I, Kollam

Sri M. Rahim, Peon submitted that he was not included in the draft list. He entered into Service on 13-12-2002. Hence his name will be included in between Sunil Kumar, G. (Sl. No. 11) and Smt. Bijily, G. (Sl. No. 12) in the list of Grade II Peons.

The draft seniority list of ministerial staff except Confidential Assistants as on 1-6-2007 in the Criminal Courts of Kollam District is finalised after making necessary changes and corrections in the draft list with respect to the date of effective advice, date of appointment, date of birth and qualifications based on reports received from the Judicial Magistrates.

The seniority list of ministerial staff except Confidential Assistants in the Criminal Courts of Kollam District as on 1-6-2007 thus finalised is communicated to all Magistrates and they are requested to circulate the same among the staff members, who are on deputation and those who have already retired from service while working in their courts.

(Sd.)

Kollam.

Chief Judicial Magistrate.

The Chief Judicial Magistrate Court, Kollam**NOTIFICATION**

No. E-3926/2009.

28th December 2009.

Ref:—Notification No. B4-46750/08 dated 18-12-2009 of the Hon'ble High Court of Kerala.

In exercise of the powers conferred by Section 190 (2) of the Code of the Criminal Procedure 1973 (Central Act 2 of 1974) read with the High Court notification read above, the Chief Judicial Magistrate, Kollam hereby empowers the Honorary Magistrate mentioned in Column No. (1) of the schedule below to take cognizance u/s. 190 (1) of the said code of the offence as mentioned in Column No. (2) of the Schedule below for a period of one year from his assumption of charge as such Magistrate.

SCHEDULE

| <i>Name and Designation</i> | <i>Offences</i> |
|--|---|
| (1) | (2) |
| Sri B. Sugathan, Hony, Spl. Judl. II Class Magistrate of Second Class, Kollam (For Petty offences) | All II Class offences (i. e. Petty cases) arising in the Corporation area of Kollam |

(Sd.)

Kollam.

*Chief Judicial Magistrate.***ജയിൽ വകുപ്പ്****ടെണ്ടർ നോട്ടീസ്**

നമ്പർ ഡി. ജെ. കെ.1-24/2009.

2009 ഡിസംബർ 31.

കോഴിക്കോട് ജില്ലാ ജയിലിലെ തടവുകാർക്ക് ഭക്ഷണം പാചകം ചെയ്യുന്നതിന് സ്ഥാപിച്ചിട്ടുള്ള ഗ്യാസ് സംവിധാനം കാലപ്പഴക്കത്താൽ നശിച്ചു തുടങ്ങിയത് മാറ്റി സ്ഥാപിക്കുന്നതിന് പ്രസ്തുത പ്രവർത്തിയിൽ പരിചയമുള്ള വ്യക്തികളിൽ നിന്നും സ്ഥാപനങ്ങളിൽ നിന്നും മുദ്രവച്ച കവറുകളിൽ മൽസരാധിഷ്ഠിത ടെണ്ടറുകൾ ക്ഷണിച്ചുകൊള്ളുന്നു. ഉദ്ദേശ അടങ്കൽ തുക 80,000 (എൺപതിനായിരം) രൂപയാണ്.

നിബന്ധനകൾ

- ടെണ്ടർ ഫോറങ്ങൾ എല്ലാ പ്രവർത്തി ദിവസങ്ങളിലും ഓഫീസ് സമയങ്ങളിൽ 2010 ഫെബ്രുവരി 1-ാം തീയതി മുതൽ 15-ാം തീയതിവരെ രൂപ 400+12.5% വാറ്റ് എന്ന നിരക്കിൽ (ഡ്യൂപ്ലിക്കേറ്റിന് രൂപ 200+12.5% വാറ്റ്) കോഴിക്കോട് ജില്ലാ ജയിൽ ഓഫീസിൽ നിന്നും വിതരണം ചെയ്യുന്നതായിരിക്കും. ആയതിന്റെ വില യാതൊരു കാരണവശാലും തിരികെ നൽകുന്നതല്ല.
- പുരിപ്പിച്ച ടെണ്ടറുകൾ 15-2-2010-ന് വൈകുന്നേരം 4 മണി വരെ സ്വീകരിക്കുന്നതായിരിക്കും. കവറിന് പുറത്ത് “ഗ്യാസ് സംവിധാനം സ്ഥാപിക്കുന്നതിനുള്ള ടെണ്ടർ” എന്ന് വ്യക്തമായി എഴുതിയിരിക്കണം.
- പുരിപ്പിച്ച ടെണ്ടർ ഫോറത്തിനൊപ്പം കരാറുകാരൻ ടെണ്ടറിൽ രേഖപ്പെടുത്തിയ തുകയുടെ ഒരു ശതമാനത്തിൽ കുറയാത്ത തുകയ്ക്കുള്ള സ്റ്റേറ്റ് ബാങ്ക് ഓഫ് ട്രാവൻകൂർ പുതിയറ ബ്രാഞ്ചിൽ മാറാവുന്ന ഡിമാന്റ് ഡ്രാഫ്റ്റ് സുപ്രണ്ടിന്റെ പേരിൽ സമർപ്പിക്കേണ്ടതാണ്.
- ടെണ്ടർ ഫോറത്തിൽ പറഞ്ഞിരിക്കുന്ന എഗ്രിമെന്റ് 50 രൂപ മുദ്രപത്രത്തിൽ ടൈപ്പ് ചെയ്ത് കരാറുകാരൻ ഒപ്പിട്ട് നൽകേണ്ടതാണ്.
- സമർപ്പിച്ച ടെണ്ടറുകൾ കരാറുകാരുടെയോ അവർ അധികാരപ്പെടുത്തിയ ആളുകളുടെയോ സാന്നിധ്യത്തിൽ 16-2-2010-ന് വൈകുന്നേരം 4.30 മണിക്ക് തുറന്ന് പരിശോധിക്കുന്നതും ഏറ്റവും കുറഞ്ഞ നിരക്ക് രേഖപ്പെടുത്തിയ കരാറുകാരന് ബഹു: അഡീഷണൽ ഡയറക്ടർ ജനറൽ ഓഫ് പോലീസ് (പ്രിസൺസ്) അവരുകളുടെ അനുമതിക്ക് വിധേയമായി കരാർ ഉറപ്പിക്കുന്നതുമായിരിക്കും.
- പ്രത്യേക കാരണമൊന്നും കൂടാതെ ടെണ്ടർ നടപടികൾ റദ്ദ് ചെയ്യാനോ മാറ്റിവയ്ക്കുന്നതിനോ സുപ്രണ്ടിന് അധികാരമുണ്ടായിരിക്കും. കൂടാതെ മറ്റ് സർക്കാർ ടെണ്ടറുകൾക്കുള്ള എല്ലാ നിയമങ്ങളും നിബന്ധനകളും ഈ ടെണ്ടറിനും ബാധകമായിരിക്കും.
- കൂടുതൽ വിവരങ്ങൾക്ക് കോഴിക്കോട് ജില്ലാ ജയിൽ സുപ്രണ്ടാഫീസുമായി ബന്ധപ്പെടാവുന്നതാണ്.

സുപ്രണ്ടിന്റെ കാര്യാലയം,
ജില്ലാ ജയിൽ, കോഴിക്കോട്.

(ഒപ്പ്)
സുപ്രണ്ട്.